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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Griffith, et al.  
Serial No. : 07/938,990  
Filing Date : September 1, 1992      Examiner: J. Krsek-Staples  
Attorney Docket No. : IPC-025CC      Art Unit: 1813  
Title : ALLERGENIC PROTEINS AND PEPTIDES FROM  
JAPANESE CEDAR POLLEN

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231 on August 4, 1993.

By: 

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RESPONSE TO RESTRICTION REQUIREMENT  
(ELECTION OF SPECIES)

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GROUP 1800

Honorable Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Dear Sir:

In response to the communication from the Examiner, Paper Number 18, dated July 29, 1993, indicating that the communication filed on 6/29/93 was non-responsive as applicant did not further elect a species, applicants hereby respectfully elect with traverse, the species corresponding to the invention of Group I and identified by the peptide, CJI-22. Applicants reserve the right to file a divisional application on the non-elected species of this case.

The traverse is that in accordance with MPEP §803.02, "if the members of the Markush group are sufficiently few or so closely related that a search and examination of the entire claim can be made without serious burden, the Examiner must examine all claims on the merits, even though they are directed to independent and distinct inventions". Applicants respectfully submit that all of the restricted species are closely related in that they are all peptides of about the same length derived from a single protein and are probably classed in the same class and/or subclass. Furthermore, applicants submit that performing a search on all of the restricted species of peptides using an amino acid sequence database would be no more burdensome than searching the elected species, particularly in view of the submission of the amino acid sequences of each of the species on a computer readable disk as part of the Sequence Listing for search purposes.

Therefore, in view of the above, applicants respectfully request that the species restriction be withdrawn, and that the Examiner examine all elected claims in their entirety on the merits.

If the Examiner has any questions regarding this response or this application, the Examiner is cordially invited to telephone the undersigned attorney. The response to the Restriction Requirement dated June 4, 1993 was set to expire July 4, 1993, therefore, applicants are including herewith a petition for a one month extension of time and authorizing that the required fee be charged to deposit account 09-0087.

Respectfully Submitted,

Griffith et al

By

Darlene Vanstone

August 4, 1993

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